



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,986	07/03/2001	Shunpei Yamazaki	07977/163003/US3375D1D1	3065

7590 08/14/2002

SCOTT C. HARRIS
Fish & Richardson P.C.
Suite 500
4350 La Jolla Village Drive
San Diego, CA 92122

EXAMINER

SCHILLINGER, LAURA M

ART UNIT PAPER NUMBER

2813

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,986	YAMAZAKI ET AL.	
Period for Reply	Examiner	Art Unit	2813
	Laura M Schillinger	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 July 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) 3-5, 8-11 and 17-31 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 2, 6, 7 and 12-16 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 08/890,591.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) Interview Summary (PTO-413) Paper No(s) _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Election/Restrictions

Claims 3-5; 8-11 and 17-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Information Disclosure Statement

The information disclosure statement filed on 7/3/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because applicant has submitted a copy of an IDS initialed by an examiner in prior prosecution, a clean copy is required; further applicant has incorrectly submitted copies of the PTO-892, this is improper and will not be considered as an IDS. Lastly, the properly submitted IDS has non-patent literature listed, which is not easily obtained by the Examiner and in order to be considered, applicant must provide a copy. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. In particular, claim 1: "*impart*" should be "*imparts or impart a*"; the last wherein clause of claim 1: "*continuously reduced toward a main surface of in the vicinity of the main surface*"- this phraseology is nonsensical. Appropriate correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-2, 6-7, and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamazaki et al ('563).

In reference to claim 1, Yamazaki teaches a method comprising the steps of:

Forming first and second active layers each formed of a crystalline semiconductor film on an insulating surface of a substrate (Fig. 21C (614 and 615));

Making only the first active layer include an impurity element that imparts p-type conduction (Fig.21C (614));

Subjecting the first and second active layers to a thermal oxidation process in order that the impurity element is incorporated into a thermal oxide film formed on a surface of the first active layer (Col.17, lines: 40-50 and Col.18, lines: 5-15);

Wherein the element depthwise is the first active layer (Col.18, lines: 35-45); and

Wherein the distribution of concentration of the impurity continuously reduced toward a main surface of the vicinity of the main surface of the first impurity element remaining in the vicinity of the main surface of the first active layer is used to control threshold voltage (TV) (Abs., lines: 1-15 and Col.21, lines: 40-50).

In reference to claim 2, Yamazaki teaches wherein the first active layer constitutes a p-channel semiconductor device (Fig.21 C (614));

Wherein the second active layer constitutes an n-channel semiconductor device (Fig.21C (615)); and

Wherein the p-channel semiconductor device and the n-channel are complimentary combined with each other to form a CMOS (Fig.21C).

In reference to claim 6, Yamazaki teaches wherein the thickness of the active layer is 100 to 1000 A (Col.9, lines: 10-20).

In reference to claim 7, Yamazaki teaches wherein the thickness of the active layer is 100 to 1000 A (col.9, lines: 10-20).

In reference to claim 12, Yamazaki teaches wherein the device is a LCD (Col.1, lines: 10-15).

In reference to claim 13, Yamazaki teaches wherein the device is an EDD (Col.1, lines: 10-15- applicant should note that the CMOS structure formed from the above claimed method may be implemented in various electronic applications and thus claim 13 is considered to be an inherent aspect of forming a CMOS device).

In reference to claim 14, Yamazaki teaches wherein the device is a video camera (Col.1, lines: 10-15- applicant should note that the CMOS structure formed from the above claimed method may be implemented in various electronic applications and thus claim 14 is considered to be an inherent aspect of forming a CMOS device).

In reference to claim 15, Yamazaki teaches wherein the device is a computer (Col.1, lines: 10-15- applicant should note that the CMOS structure formed from the above claimed method may be implemented in various electronic applications and thus claim 15 is considered to be an inherent aspect of forming a CMOS device).

In reference to claim 16, Yamazaki teaches wherein the device is a projection system (Col.1, lines: 10-15- applicant should note that the CMOS structure formed from the above claimed method may be implemented in various electronic applications and thus claim 16 is considered to be an inherent aspect of forming a CMOS device).

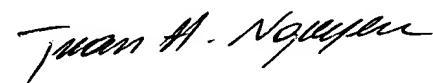
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (703) 308-6425. The examiner can normally be reached on M-F 7:00 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1500.

LMS
August 12, 2002



Tuan H. Nguyen
Primary Examiner